

4249. Misbranding of Dexedrine Sulfate tablets and Seconal Sodium capsules. U. S. v. Keller Drug Co. Plea of guilty. Fine of \$800 and probation for 2 years. (F. D. C. No. 34817. Sample Nos. 35069-L, 35532-L, 48393-L, 48395-L.)

INFORMATION FILED: April 21, 1953, District of Minnesota, against the Keller Drug Co., a corporation, Minneapolis, Minn.

ALLEGED VIOLATION: On or about February 6, 12, 27, and 28, 1952, while a number of *Dexedrine Sulfate tablets* and *Seconal Sodium capsules* were being held for sale at the Keller Drug Co., after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the label of the repackaged *Dexedrine Sulfate tablets* failed to bear the common or usual name of each active ingredient of the tablets.

DISPOSITION: December 14, 1953. The defendant having entered a plea of guilty, the court fined it \$800 and placed it on probation for 2 years.

4250. Misbranding of Green Kaps. U. S. v. Lawrence F. Rathbun (Asthmacine Distributing Co.). Plea of guilty. Fine of \$350, plus costs. (F. D. C. No. 33793. Sample No. 54728-L.)

INFORMATION FILED: August 13, 1953, Northern District of Illinois, against Lawrence F. Rathbun, trading as the Asthmacine Distributing Co., Chicago, Ill.

ALLEGED SHIPMENT: On or about August 21, 1952, from the State of Illinois into the State of Michigan.

LABEL, IN PART: "Green-Kaps A Dietary Supplement."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use for the condition for which it was intended, namely, delayed menstruation.

DISPOSITION: November 23, 1953. The defendant having entered a plea of guilty, the court fined him \$350, plus costs.

4251. Misbranding of El Rancho Adolphus products. U. S. v. 3 Cans, etc. (F. D. C. No. 35350. Sample Nos. 45551-L to 45554-L, incl., 45556-L.)

LABEL FILED: July 8, 1953, District of Massachusetts.

ALLEGED SHIPMENT: A quantity of *papaya sirup* was shipped by the Lakewood Foods Co., from Miami, Fla., on or about May 26, 1953, and the other products were shipped by El Rancho Adolphus Products, Inc., from Scranton, Pa., and from Hohensee Park, Jermyn, Pa., on or about June 8, 15, and 16, 1953.

**PRODUCT:** 3 cans each containing 30 packages, of *peppermint tea leaves*, 8 cases, each containing 12 bottles, of *apple juice concentrate*, 9 cases, each containing 4 bottles, of *papaya sirup*, 1 case, containing 58 packages, of *herb laxative*, and 2 cases, each containing 24 packages, of *broth concentrate* at Brookline, Mass.

**RESULTS OF INVESTIGATION:** At a lecture delivered in Boston, Mass., on June 16, 1953, Adolphus Hohensee had available for sale to his audience a booklet entitled "Lecture Series on Health and Progress—Fasting \* \* \* By Adolphus Hohensee \* \* \* Published at El Rancho Adolphus Home Of Scientific Living, Inc. Post Office Box 910 Scranton, Pa.," which contained statements relating to the conditions and purposes for which the products were intended. During the course of the lecture, Mr. Hohensee informed his audience that the products were available at a store in Brookline, Mass.

**LABEL, IN PART:** (Packages) "El Rancho Adolphus Brand Genuine-Select Imported Peppermint Tea Leaves \* \* \* Net Weight 3 Ozs. [or "Herb Laxative (Minted) \* \* \* Net Weight 3 Ozs.]" Distributed by El Rancho Adolphus Products, Inc. Scranton, Pa."; (bottles) "El Rancho Adolphus Brand Pure Apple Juice Concentrate \* \* \* One Quart [or "Papaya Syrup One Gallon Net"] Distributed by El Rancho Adolphus Products, Inc. Hohensee Park, Jermyn, Pa. [or "Scranton, Pa.]" and (packages) "El Rancho Adolphus Broth Concentrate \* \* \* Instant Vegetable Puree \* \* \* Net weight 8 Ozs. El Rancho Adolphus Products, Inc. \* \* \* Scranton, Pa."

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use in the conditions and for the purposes for which they were intended, namely, (all articles) for rejuvenating the body by allowing the blood to flow freely and the renewal processes to exceed those of disintegration; for normalizing the body's chemistry, thereby permitting the body to regain its equilibrium; for improving the senses of sight, smell, hearing, and touch; for causing wrinkles, pimples, and blotches to disappear and the skin to regain its youthful appearance; for regenerating most of the organs and glands; for causing growths, deposits, effusions, dropsicals (sic), swellings, and infiltrations to be absorbed and used to support the vital organs; for strengthening weak hearts and conserving nerve energy, thereby enabling the vital organs to improve in force and function; for purging the blood of poisons and clogging waste and decaying diseased cells; for enabling the body to concentrate on building healthy or better material to replace that which is cast out, thus effecting regeneration and keeping the body active and vigorous; (*apple juice concentrate*) for cleansing the body; (*peppermint tea leaves*) for acting as an alkalizer and body cleanser and treating colic, headache, and rheumatism; (*broth concentrate*) for cleansing and rebuilding the body and loosening deadly toxins from people who are highly toxic; and (*apple juice concentrate* used with olive oil) for treating gallstones and kidney stones. The articles were misbranded in the above respect when introduced into, while in, and while held for sale after shipment in, interstate commerce.

**DISPOSITION:** August 25, 1953. Default decree of condemnation and destruction.